

REMARKS

Claims 10 and 19 have been amended. The amendments to the claims further define the invention. Support for the amendments can be found in the specification and figures. Attached hereto is a marked-up version of the changes made to Claims 10 and 19 by the above amendment. The attached page is titled "Version with markings to show changes made".

Double Patenting rejection

Claims 10-19 are provisionally rejected as being unpatentable over claims 1, 2-7, and 20 of copending Application No. 09/553,641 and Claim 19 is provisionally rejected as being unpatentable over claims 20 of copending Application No. 09/553,871. These rejections will be addressed upon allowance of the claims.

Rejection under 35 USC 112 First Paragraph

The Examiner has rejected Claims 10-12, 14-21, and 23-27 under 35 USC 112 for not providing enablement for a generic first or second extensible web. The claims have been amended to clarify that the first and second extensible webs are made from materials selected from the group of nonwovens, polymeric films, and combinations thereof.

The Examiner has rejected Claims 10-27 under 35 USC 112 for not providing enablement for a laminate having apertures randomly placed through the laminate. The Examiner is correct in stating the apertures in the laminate are formed at the bonding sites when tension is applied to the web. In addition to these apertures, the first, second, or third webs could be apertured before the laminate is formed. This would result in any or all of the web layers having random apertures. An example is provided on page 15, lines 3-7 in which a film with "micro-apertures" is described.

Rejection under 35 USC 112 Second Paragraph

The Examiner has rejected claims 10-27 under 35 USC 112. By the amendment presented, Claims 10 and 19 have been amended to state that the apertures are at the bond sites.

The Examiner has rejected Claims 19-27 under 35 USC 112. By the amendment presented, Claim 19 has been amended to state that the first and second nonwovens webs are the first and second extensible webs, as the Examiner correctly assumed.

The Examiner has rejected Claims 19-27 under 35 USC 112 for the indefiniteness of the term "fluid communication". The term fluid communication is described on page 10, lines 7-11 in the specification. An example of a laminate web exhibiting fluid communication is given on page 24, lines 22-29, Example 3. Fluid communication occurs when fluid contacting the first and/or second web is able to flow through the apertures to the central layer. This enables the laminate web to have a greater absorbent capacity.

The Examiner has rejected Claims 19-27 under 35 USC 112 for the indefiniteness of the term "distinct regions". The distinct regions are described on page 11, line 1 – page 12, line 18 and shown in detail in Figure 7 along with Figures 6 and 8. The distinct region is any region in the laminate web where the basis weight, fiber orientation, thickness, and/or density of the laminate web is different than another region in the laminate web. For example, an area that has an aperture would be a distinct region as the density would be lower than other regions. Other examples of the distinct regions are provided in the specification and figures.

Rejection under 35 USC 102/103

Claims 10-14, 17, 19-23 and 26 are rejected under 35 USC 102(b) as being anticipated by or in the alternative, under 35 USC 103(a) as obvious over Srinivasan et al. Srinivasan et al. discloses a laminated fabric wherein an elastomeric film material is sandwiched between two webs of carded thermoplastic staple fibers. The webs are comprised of unfused fibers. When the laminate is formed, the unfused fibers which overlap the apertures in the film are fused to each other. (column 3, lines 32-35) The use of these particular nonwovens with elastomeric films produce an elastomeric laminate with superior stretch/recovery. (column 2, lines 33-44) Srinivasan et al. teaches that the unbonded webs and unfused fibers in the webs are used to achieve stretch. Therefore, according to these teachings, a prebonded web with fused fibers would be expected to render the invention inoperable as the resulting laminate would exhibit very poor stretch or recovery.

The present invention, as amended in Claim 10 and 19, requires a prebonded web. This is different than Srinivasan et al. which teaches away from using prebonded webs which contain fused fibers. In Srinivasan et al., the superior stretch is achieved through the use of unfused fibers.

Srinivasan et al. also teaches that the film of elastomeric material has a lower melting temperature than the outer webs. The heat and pressure applied cause the elastomeric material of the film to melt and form an aperture. (column 4, line 64 – Column 5, line 3) This is in contrast to the center layer of the present invention which need not have a melting point and preferably, the melting temperature is at least about 10 degrees Centigrade higher than the outer layers. The aperturing of the central layer of the present invention is a result of mechanical displacement and not melting. (page 8, lines 1-3)

In addition, Srinivasan et al. does not disclose apertured webs but discloses that the fibers are fused to each other across apertures in the film. This is in contrast to the claimed present invention wherein the laminate web has a plurality of apertures.

CONCLUSION

Applicants have made an earnest effort to distinguish the claimed invention from the applied document and place the Claims in condition for allowance. Reconsideration of this application, in view of the amendments and remarks provided, and allowance of Claims 10-27 as amended are requested. In the event that issues remain prior to allowance of the pending claims, the Examiner is invited to call Applicants' undersigned attorney to discuss any remaining issues.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

10. (Twice Amended) A laminate web having a plurality of apertures, said laminate web comprising:

- (a) a first --prebonded-- extensible web --comprising a material selected from the group consisting of nonwoven, polymeric film, and combinations thereof,-- having a first elongation to break;
- (b) a second --prebonded-- extensible web --comprising a material selected from the group consisting of nonwoven, polymeric film, and combinations thereof,-- joined to said first --prebonded-- extensible web at a plurality of bond sites, the second --prebonded-- extensible web having a second elongation to break; and
- (c) a third web material disposed between said first and second --prebonded-- extensible webs, said third material having a third elongation to break which is less than both of said first or second elongations to break --, and said third material being apertured in regions coincident said bond sites;

wherein said first and second prebonded extensible webs of said laminate web are apertured at said bond sites--.

19. (Amended) A laminate web having a plurality of apertures, said laminate web comprising:

- (a) a first and second --prebonded-- extensible webs --comprising a material selected from the group consisting of nonwoven, polymeric film, and combinations there,-- being joined -- and apertured-- at a plurality of discrete bond sites;
- (b) a third material disposed between said first and second [nonwoven] --prebonded extensible-- webs; and
- (c) the first and second [nonwoven] --prebonded extensible-- webs being in fluid communication via the apertures and having distinct regions being differentiated by at least one property selected from the group consisting of basis weight, fiber orientation, thickness, and density.